



ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

December 17, 2007

MEMORANDUM FOR COMMITTEE MANAGEMENT SECRETARIAT
GENERAL SERVICES ADMINISTRATION

SUBJECT: Committee Charter Consultation – Board of Visitors National Defense University

The Designated Federal Officer (DFO) for the Board of Visitors National Defense University, through the President National Defense University and the Office of the Chairman of the Joint Chiefs of Staff, has requested renewal of the committee's charter (Attached).

The Department of Defense, pursuant to the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended) and 41 CFR, § 102-3.60, has carefully reviewed the DFO's request, and has determined that renewing the committee's charter is in the best interest of the Department of Defense and the American public.

The Department of Defense has further determined that this discretionary advisory committee is essential to DoD's mission, and that no other DoD or Executive Branch advisory committee can meet these needs. The Board of Visitors provides: (a) a wide range of expert guidance to the National Defense University, the DoD's Joint Professional Military Education programs, and the Organization of the Joint Chiefs of Staff; and (b) accreditation by the Middle States Association of Colleges and Schools to grant masters degrees to the University's senior college students upon graduation.

The committee membership will not exceed 21 members, and their appointment will be approved by the Secretary of Defense. Individuals who are not full-time employees shall serve as Special Government Employees under the authority of 5 U.S.C. § 3109. The Department of Defense, to achieve a balanced membership, will include a cross-section of eminent authorities in the field of national defense, academia, business, national security affairs, and the defense industry. Unless otherwise determined by the Secretary of Defense, the members, with the exception of travel and per diem for official travel, shall serve without compensation.

The committee is authorized to establish subcommittees, and the committee, to include any subcommittees, will operate under the provisions of the Federal Advisory Committee Act of 1972, the Sunshine in the Government Act of 1976 (5 U.S.C. § 552b, as amended), and 41 CFR, Parts 102-3 through 102-3.185.

Prior to submitting a Federal Register notice and subsequently filing the committee's charter with the Library of Congress and the appropriate congressional committees, the Department of Defense respectively requests that the Committee Management Secretariat review and approve the charter (attached). The charter has been reviewed and approved by the Office of the General Counsel for the Department of Defense.

If you should have any questions about this charter please contact me at 703-601-2554, extension 128.

A handwritten signature in black ink, appearing to read "James D. Freeman II". The signature is stylized with a large, looped "F" and a cursive "James".

James D. Freeman II
Deputy Committee Management
Officer for the Department of Defense

2 Attachments
As stated

TAB 1



DEPARTMENT OF DEFENSE
NATIONAL DEFENSE UNIVERSITY
WASHINGTON DC 20319-5066

November 28, 2007

REPLY TO
ATTENTION OF:

NDU Academic Affairs

MEMORANDUM THRU: President, National Defense University, 300 5th Avenue, Fort McNair, Washington, DC 20319-5066

THRU: Joint Staff J1/PSD, ATTN: Mr. Floyd March

FOR: The Office of Administrative Services, Administration & Program Support (WHS); ATTN: Mr. Jim Freeman (Acting Assistant Director), 1235 South Clark Street, Suite 940, Arlington, VA 22202-3270

SUBJECT: National Defense University Board of Visitors Charter Renewal

1. Reference: Email from James Freeman WHS/APSD; dated Oct 5, 2007; Subject: Charter Renewals and DoDI 51105.04, Para E3.4.6, dtd: Aug 6, 2007.
2. The National Defense University Board of Visitors. Most important role is that of an advisory and independent sounding board, furnishing constructive input to the University leadership and, from its founding, the Board has provided expert guidance on a wide range of vital academic issues and greatly contributed to the University's education, outreach and research missions. At the same time, the Board has continued to serve as a guardian of institutional integrity, advising and assisting the President to ensure the University continues to fulfill its stated mission. To offer that level of support and challenge, the Board must be allowed to continue to operate under an OSD approved Charter which permits the Board to maintain open communications with both the NDU-President and Chairman of the Joint Chiefs of Staff.
3. The Board continues to accomplish its mission. As a Federal advisory committee; makes recommendations on all areas of University Operations, for example curricula, new programs, outreach, IT, Facilities, Resources, Funding, Accreditation, and many other related areas of operations and programs as addressed to the BOV by the NDU Senior Leadership. The Board is in fact a highly effective; results oriented Committee committed to mission success and JPME excellence. Several examples of BOV engagement are as follows:
 - a. The BOV encouraged the Chairman, JCS to support legislation and directives to provide the necessary incentives for federal agencies to create policies supportive of education and development for representatives of the interagency.
 - b. The BOV asked the Chairman, JCS to support securing sufficient funds for NDU to continue the important contributions the NDU Press makes to DOD and other government decision makers, scholars, the media, and the attentive public in the US and overseas.

c. The BOV highlighted two significant issues to the Chairman, JCS: NDU funding and interagency and international student attendance at the Joint Forces Staff College (JFSC). In the Chairman's response, he highlighted a FY 07 Program Budget Decision (PBD) to provide funds to hire additional full-time faculty and staff throughout the FY09-13 FYDP and assured the BOV Chair, the Joint Staff would work with NDU to develop a new communications strategy to address the interagency and international student shortfalls at JFSC, which have improved significantly given the Chairman's response.

4. The Board's continued operation is vital. The Board comes together twice each Academic School year or at the call of the President. Each standing NDU-President has agreed that twice a year is adequate to review academic programs, growth and expansion, institutional structure, and; teaching, research, professional exchange and outreach programs. All meetings are highly relevant to what the University is doing operationally and positively impacts how we do business using the added eyes and ears of our Board Members. And while, formal meetings are held only twice a year; the Board remains fully engaged on a week-to-week bases via email, attendance at social events; symposiums, conferences, roundtable-discussions, Distinguished Lecture Programs, and Board participation in academic and outreach program.
5. Specific accomplishments with regard to the Department of Defense. Dr. David Chu, Under Secretary of Defense for Personnel and Readiness and NDU-BOV Ex Officio member enlisted the Boards assistance in support of the Defense Language Institute's efforts to secure appropriate board oversight and BOV participation with accreditation/reaffirmation efforts. The BOV Academics and Curriculum committee undertook this responsibility leading to full reaccreditation/reaffirmation. The BOV Committee further assisted DLI with the composition and development of a DLI-BOV, which was formed in 2006. Additionally, one NDU Board member was asked to serve on the on the Defense Science Board given his background experience as General Counsel to the U.S. Infrastructure Investment Commission.
6. Can the advice and/or recommendations the Board provides be obtained elsewhere? No existing student, staff, or faculty committee can perform the Board's functions. As in all highly regarded academic institutions, the observations, reviews and criticism of accomplished persons in various disciplines and professional backgrounds outside the faculty structure and government are needed to maintain a viable and forward looking educational program for senior students representing diverse professional backgrounds. Accordingly, it is highly desirable to have an advisory board whose members have served at the highest levels of policy and decision-making in the Services, Federal Government, academia, and other realms, where they are recognized as top authorities in their field. In February 1997, upon completion of an extended candidacy process, NDU received notification of accreditation by the Middle States Association of Colleges and Schools. Accreditation empowers the University to grant masters degrees to its senior college students upon their graduation. One of the criteria established as a standard for accreditation (contained in the Commission on Higher Education's publication, Characteristics of Excellence in Higher Education) is that a university must have "a governing/advisory board actively fulfilling its responsibilities of policy and resource development." In other words, since receiving re-accreditation in 2002, NDU's retention of an advisory, i.e., its Board of Visitors was no longer discretionary. In 2002 Middle States Association granted unconditional reaccreditation and reaffirmation for a 10-year period, the Board of Visitors was viewed as a major factor in the process.

7. The discontinuation of the Board of Visitors would be devastating for DoD, the Joint Staff and the advancement of Joint Professional Military Education (JPME): A decision to discontinue the NDU-BOV would have a tremendously negative impact on the continuance of JPME as we know it today. The Board continues to serve as a guardian of institutional integrity, assisting the President, Chairman of the Joint Chiefs of Staff and SECDEF to ensure the University remains an accredited institution and continues to fulfill its stated mission. More importantly, the University's accreditation body, Middle States Association (MSA) of Higher Learning mandates the University's need for a governing body as a prerequisite for accreditation. This is addressed in MSA Standard-4, "Leadership and Governance" as follows: *The institution's system of governance clearly defines the roles of institutional constituencies in policy development and decision-making. The governance structure includes an active governing body with sufficient autonomy to assure institutional integrity and to fulfill its responsibilities of policy and resource development, consistent with the mission of the institution.* In short, discontinuation of the NDU Board of visitors would directly impact the institution's accreditation and authority to award a Masters Degree.



Susan M. Studds, Ph.D.
Designated Federal Officer,
National Defense University Board of Visitors

TAB 2

CHARTER
BOARD OF VISITORS NATIONAL DEFENSE UNIVERSITY

- A. Official Designation: The Committee shall be known as the Board of Visitors National Defense University (hereafter referred to as the Board).
- B. Objectives and Scope of Activities: The Board, under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), shall provide the Secretary of Defense, through the Chairman of the Joint Chiefs of Staff and the President of the National Defense University, independent advice and recommendations on organization management, curricula, methods of instruction, facilities and other matters of interest to the National Defense University. The Chairman of the Joint Chiefs of Staff or designee may act upon the Board's advice and recommendations.
- C. Board Membership: The Board shall be composed of not more than twenty-one Board Members, who are eminent authorities in the field of national defense, academia, business, national security affairs, and the defense industry. Board Members appointed by the Secretary of Defense, who are not full-time Federal officers or employees, shall serve as Special Government Employees under the authority of 5 U.S.C. § 3109. Board Members shall be appointed on an annual basis by the Secretary of Defense, and shall serve no more than fifteen years on the Board.

The Board Membership shall select the Board's Chairperson and the Co-Chairperson from the total Board Membership, and this individual shall serve at the discretion of the Chairman of Joint Chiefs of Staff or designee. Board Members shall, with the exception of travel and per diem for official travel, serve without compensation. In addition, the Chairman of the Joint Chiefs of Staff or designated representative may invite other distinguished Government officers to serve as non-voting observers of the Board, and appoint consultants, with special expertise, to assist the Board on an ad hoc basis.

- D. Board Meetings: The Board shall meet at the call of the Designated Federal Officer, in consultation with the President, National Defense University and the Chairperson, and the estimated number of Board meetings is two per year.

The Designated Federal Officer shall be a full-time or permanent part-time DoD employee, and shall be appointed in accordance with established DoD policies and procedures. In addition, the Designated Federal Officer shall attend all Board and subcommittee meetings.

The Board shall be authorized to establish subcommittees, as necessary and consistent with its mission, and these subcommittees or working groups shall operate under the provisions of the Federal Advisory Committee Act of 1972, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b, as amended), and other appropriate Federal regulations.

Such subcommittees or workgroups shall not work independently of the chartered Board, and shall report all their recommendations and advice to the Board for full deliberation and discussion. Subcommittees or workgroups have no authority to make decisions on behalf of the chartered Board nor can they report directly to the Department of Defense or any Federal officers or employees who are not Board Members.

- E. Duration of the Board: The need for this advisory function is on a continuing basis; however, it is subject to renewal every two years.
- F. Agency Support: The Department of Defense, through the Chairman of the Joint Chiefs of Staff and the President of the National Defense University, shall provide support as deemed necessary for the performance of the Board's functions, and shall ensure compliance with the requirements of 5 U.S.C., Appendix, as amended.
- G. Termination Date: The Board shall terminate upon completion of its mission or two years from the date of this Charter is filed, whichever is sooner, unless the Secretary of Defense extends it.
- H. Operating Costs: It is estimated that the operating costs, to include travel costs and contract support, for this Board is \$60,000.00. The estimated personnel costs to the Department of Defense are 0.6 full-time equivalents (FTEs).
- I. Recordkeeping: The records of the Board and its subcommittees shall be handled according to section 2, General Records Schedule 26 and appropriate DoD policies and procedures. These records shall be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. § 552, as amended).
- J. Charter Filed: